

## **REMARKS**

Applicant requests reconsideration and reexamination of the above-identified application. The following remarks state Applicants bases for making this request and are organized according to the Examiner's Action.

Applicant notes and appreciates the Examiner's statement that Claims 6-10 are allowable.

### **CLAIMS REJECTIONS – 35 U.S.C. § 112**

The Examiner states that Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner further states that with respect to Claim 12, no method step has been recited after "further comprises", only the structure of the side rails. Absent use of that recited structure in a method step requiring the structure, the claim fails to further limit Claim 11.

Applicant has canceled Claim 12, and added the limitation in Claim 12 to Claim 11.

### **CLAIMS REJECTIONS – 35 U.S.C. § 102**

The Examiner states that Claims 1, 3, 11 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by McComb #4,909,352. McComb discloses a ladder supported on the bed of truck/trailer the side rails of which are received within a pair of tubular holding means 68.

Further, the Examiner states that Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over McComb as advanced above. McComb fails to disclose cylindrical holding/receiving means. Cylindrical holding/receiving means is no more than an obvious design choice based upon the cross-section of ladder rails. Therefore to one of ordinary skill in the art, it would have been obvious to provide the holding means of McComb with cylindrical holding means so as to mate with ladder rails of similar cross-section.

The Examiner states that Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over McComb as applied to Claims 1, 3, 11 and 13 above, and further in view of Nelson et al. McComb fails to disclose steps having anti-slip material. Nelson et al. teach the well-known utility of anti-slip material 16 secured to a rung of a ladder to reduce slippage of users thereon. Therefore, to one of ordinary skill in the art, it would have been obvious to provide the steps/rungs of McComb with anti-slip material as taught by Nelson et al., so as to reduce slippage of users thereon.

However, Applicant has amended Claim 1 to include the limitation in Claim 2 which the Examiner states will be allowable. Applicant has amended Claim 4 to more particularly describe the invention by reciting "said receptacles comprise cylindrical tubes" instead of "said holding means comprises cylindrical tubes". Therefore, Claims 3-5 are now allowable because they are dependent on allowable Claim 1. Applicant believes that Claims 1, 3, 4 and 5 as amended are not anticipated or obvious from McComb (U.S. Patent No. 4,909,352) in view of Nelson et al. (U.S. Patent No. 5,692,581), and that they are now patentable.

Applicant has amended Claim 8 to be dependent on Claim 7 instead of Claim 6 because Claim 6 does not recite the "receptacles". Therefore, Claim 8 is allowable.

Applicant has amended method Claim 11 by including the step limitation implied in Claim 12 into Claim 11 and canceling Claim 12. Also, Claim 13 is now believed to be allowable as being dependent on allowable Claim 11. Applicant believes that Claims 11 and 13 as amended are not anticipated or obvious from McComb in view of Nelson, and that they are now patentable because of the step of "curving a first one of said side rails a predetermined distance toward a second one of said side rails until said first one and said second one of said side rails are parallel and insertable into said base."

### ALLOWABLE SUBJECT MATTER

The Examiner states that Claims 6-10 are allowed. Also, the Examiner states that Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims is also noted and appreciated.

As described above, Applicant has included the limitation of Claim 2 into Claim 1 and believes that Claim 1 is now patentable. Further, Applicant has included the limitation of Claim 12 into Claim 11 and believes that Claim 11 is now patentable along with Claim 13 which is dependent on Claim 11. Claims 2 and 12 are canceled.

In view of the above, it is submitted that Claims 1, 3-11 and 13 as amended are now in condition for allowance. Reconsideration of the rejections to Claims 1, 3-5, 11 and 13 is respectfully requested. Accordingly, it is requested that Claims 1, 3-5, 11 and 13 be allowed along with Claims 6-10 and the case be sent to issue.

Respectfully submitted,  
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